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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,942	10/22/2003	Joseph A. Swift	D/A0430D	6185

7590 04/11/2005

Patent Documentation Center
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Rochester, NY 14644

EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/690,942

Applicant(s)

SWIFT ET AL.

Examiner

Elena Tsoy

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Advisory Action

1. The Request for Reconsideration filed on March 28, 2005 under 37 CFR 1.116 in reply to the final rejection has been entered and considered but is not deemed to place the application in condition for allowance for the reasons of record as set forth in the Final Office Action mailed on December 28, 2004.

Response to Arguments

2. Applicants' arguments filed March 28, 2005 have been fully considered but they are not persuasive.

Applicants argue that in Badesha, there is also no intermediate layer between substrate (4) and outer layer (2). The outer layer in Badesha is an integral interpenetrating hybrid polymeric network comprised of a haloelastomer, a coupling agent, a functional polyorganosiloxane and a crosslinking agent. The hybrid compound of Badesha is a composition which is comprised of a fluoroelastomer having polyorganosiloxane blocks randomly arranged and attached thereto via an organosilane coupling agent. Interpenetrating network refers to a crosslinked or cured product matrix obtained from curative cross linking of the condensation polymerization product of the aminosilane coupling the polyorganosiloxane, and the fluoroelastomer where the aminosilane coupled polyorganosiloxane fluoroelastomer polymer strands are intertwined and intermolecularly bonded as a result of the crosslinking with one another.

The Examiner respectfully disagrees with this argument. First of all, in Badesha et al, there should not be an intermediate layer between substrate (4) and outer layer (2). In Badesha et al, outer layer (2) itself comprises haloelastomer layer, the intermediate layer formed from bifunctional coupling agent and polyorganosiloxane layer (See column 6, lines 35-40), wherein

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the coupling agent is chemically bound to the haloelastomer, and the polyorganosiloxane is in turn chemically bound to the coupling agent (See column 6, lines 40-45). The claimed invention also has substrate and outer layer comprising first elastomer layer, intermediate primer layer formed from polyfunctional coupling agent and second elastomer layer, wherein the coupling agent is chemically bound to the first elastomer layer, and second elastomer layer reacts with the coupling agent thereby chemically bonding to the coupling agent. Thus, claimed invention also has after heat-curing an integral interpenetrating hybrid polymeric network comprised of a first elastomer, a coupling agent, and second elastomer thereby forming a *single integral* outer layer (because all layers are chemically bonded to each other) on the support.

Secondly, Badesha et al is applied not for structure of the fuse member, but for teaching that a bifunctional coupling agent such as aminosilane coupling agent can be used for chemically linking a fluoropolymer such as poly(propylene-tetrafluoroethylene) or a poly(propylene-tetrafluoroethylene-vinylidene fluoride) (See column 9, lines 35-55) and alkoxy functional polyorganosiloxane (See column 10, lines 30-49), by forming C-N-linkage between the bifunctional coupling agent and the fluoropolymer, and C-O-linkage between the bifunctional coupling agent and polyorganosiloxane for mechanical and structural integrity of a fuse member (See column 9, lines 11-19). Masuda is applied for structure.

One of ordinary skill in the art at would have motivation to use teaching of Badesha et al to chemically bond fluoroelastomer and silicone layer in Masuda to achieve mechanical and structural integrity of a fuse member.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (571) 272-1429. The examiner can normally be reached on Mo-Thur. 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-141523. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy
Primary Examiner
Art Unit 1762

ELENA TSOY
PRIMARY EXAMINER
ETsoy

April 7, 2005